

### REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-13 are currently pending, Claims 1, 4, 6 and 9 having been amended; and Claim 13 has been added herein.

In the outstanding Office Action, Claims 1-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0004802 to Callegari (hereinafter “the ‘802 application”).

Claim 1 is directed to a mobile phone, comprising: (1) a communication section configured to transmit/receive data through a wireless or wired transmission path; (2) a data processing section configured to process the data transmitted/received by the communication section; (3) a memory space in which a file processed by the data processing section is arranged; (4) archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information; and (5) means for generating, in the memory space, an access management information file that includes a value indicating a maximum number of times that the archive file can be accessed.

Applicant respectfully traverses the rejection of Claim 1 as anticipated by the ‘802 application, for the reasons set forth below.

The ‘802 application is directed to a method for providing a coupon to a consumer. In particular, the ‘802 application discloses that the method includes presenting a virtual coupon to a consumer device only if the consumer is within a vicinity of the consumer offer location or the consumer otherwise indicates an interest in the goods in the vicinity of the coupon offer location. In particular, as shown in Figures 5A and 5B, the ‘802 application discloses

that the system includes a consumer device 20, which may be a mobile telephone or a mobile computer, as well as a presence server 30 that reveals the merchant presence to the consumer, and a global positioning satellite 74. Further, as noted in the outstanding Office Action, Figure 7 provides an overview of applications that run on the presence server 30, as shown in Figure 5B. In particular, the '802 application discloses that the system includes realms, services, locations, contents, and presentations.

However, the '802 application does not describe the element "a value indicating a maximum number of times that the archive file can be accessed".

Rather, it describes a record of access pertaining to each time a content is presented to the user device is incremented and counted. This embodiment is not corresponding to the maximum number of times that the archive file can be accessed indication, as recited in Claim 1.

Further, paragraph [0013] is silent regarding an access management file that includes a value being in the memory space of the mobile phone. On the contrary, Applicant respectfully submits that the "register" disclosed by the '802 application is maintained on the presence server 30 disclosed in Figures 5A and 5B, not on the consumer device 20.

For the reasons stated above, Applicant respectfully traverses the rejection of Claim 1 (and dependent Claims 2-5, 11, and 12) as anticipated by the '802 application.

Independent Claim 6 recites limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above, Applicant respectfully traverses the rejection of Claim 6 (and dependent Claims 7-10) as anticipated by the '802 application.

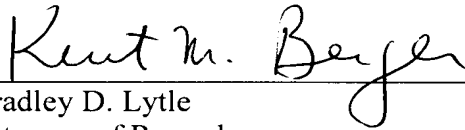
The present amendment also sets forth new Claim 13 for examination on the merits. New Claim 13 is supported at least by paragraph 29 in the published application.

Thus, it is respectfully submitted that independent Claims 1 and 6 (and all associated dependent claims) patentably define over the '802 application.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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